

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|----------------------------|
| In re Patent Application of |) | MAIL STOP AMENDMENT |
| Hiroaki Sano et al. |) | Group Art Unit: 1791 |
| Application No.: 10/562,811 |) | Examiner: CHRISTOPHER C. |
| Filed: December 29, 2005 |) | CAILLOUET |
| For: TUBE CONNECTING APPARATUS |) | Confirmation No.: 6482 |

**Request for Reconsideration of the Patent Term Adjustment
Pursuant to 37 C.F.R. 1.705(B)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration the patent term adjustment indicated in the *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* mailed with the *Notice of Allowance*. This request for reconsideration is filed no later than the payment of the issue fee, but filed after the date of mailing of the Notice of Allowance. Therefore, pursuant to 37 C.F.R. § 1.705(b), this request is timely filed.

Applicants respectfully submit that the revised patent term adjustment was incorrectly calculated in that the Office has failed to take the decision in *Wyeth v. Kappos*, No. 2009-1120, slip op. (Fed. Cir. Jan. 7, 2010) into consideration in calculating the revised patent term adjustment. In particular, the Office appears to have calculated the revised patent term adjustment on the basis that the period of delay under 35 U.S.C. § 154(b)(1)(B) and 37 C.F.R. § 1.702(b) is overlapping with every period of delay for which adjustment must be afforded under 35 U.S.C. § (b)(1)(A) and 37 C.F.R. § 1.702(a). It is understood that:

[T]he Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was

07/14/2010 CKHLOR 00000006 024800 10562811
01 FC:1455 200.00 DA